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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA)	CASE NO. CR 12-0625 WHA
)	
v.)	STIPULATION AND PROPOSED ORDER
)	EXCLUDING TIME FROM OTHERWISE
JAIME BALAM,)	APPLICABLE SPEEDY TRIAL ACT
a/k/a "Tweety,")	COMPUTATION
)	
Defendant.)	
)	
)	

STIPULATION

IT IS HEREBY STIPULATED by the parties, through undersigned counsel, that:

The period from April 14, 2015 through and including May 5, 2015 may be excluded from the otherwise applicable Speedy Trial Act computation because failure to grant the continuance as requested would unreasonably deny the defendant the reasonable time necessary for effective preparation, taking into account the exercise of due diligence, within the meaning of 18 U.S.C. § 3161(h)(7)(A) & (B)(iv). Specifically, the defense requests the continuance, and the parties stipulate to its appropriateness, for the following reasons. The defendant is charged in a pending ten-count indictment, which includes, among others, significant racketeering-related conspiracy and murder charges. The defendant made his initial

appearance in this District on February 23, 2015, following a lengthy extradition process in Mexico. As noted in the parties' previous stipulation to a Speedy Trial Act continuance, the defendant is alleged to have been a member of a San Francisco-based clique of the transnational gang, *La Mara Salvatrucha* (MS-13) and is charged with offenses similar to those which resulted in multiple trials in *United States v. Ivan Cerna, et al.*, CR 08-0730 WHA, involving tens of thousands of pages of discovery. Defense counsel has begun reviewing that discovery as well as transcripts of the trial in *United States v. Danilo Velasquez and Luis Herrera*, CR 08-0730 WHA, and has just received further discovery bearing specifically on the defendant, pursuant to a stipulated protective order. At the April 14, 2015 hearing in this case, defense counsel informed the Court that, because of the volume of discovery to review and because of his trial schedule, he does not believe that he can be prepared for trial until 2017, whereupon the Court set a trial date of April 10, 2017 for this case. On the meantime, the Court ordered, it will issue a proposed pretrial order setting disclosure and motion deadlines. The Court ordered the parties to review this proposed pretrial order and be prepared to discuss it at the next hearing of this case, on May 5, 2015 at 2:00 p.m. The parties agreed to a Speedy Trial Act exclusion, for effective preparation of defense counsel, from April 14, 2015 through and including May 5, 2015.

The parties therefore agree that the Court may enter the proposed Order set forth below.

DATED: April 22, 2015

Respectfully submitted,

MELINDA HAAG
United States Attorney

/S/

ANDREW M. SCOBLE
Assistant United States Attorney

/S/

DATED: April 22, 2015

RICHARD L. TAMOR
Attorney for Defendant Jaime Balam

~~PROPOSED~~ ORDER


Based upon the above Stipulation, and upon the representations of the parties at the April 14, 2015 status hearing in this case, THE COURT FINDS THAT the ends of justice served by granting a continuance from April 14, 2015 through and including May 5, 2015 outweigh the best interest of the public and the defendant in a speedy trial; that failure to grant such a continuance would unreasonably deny the defendant the reasonable time necessary for effective preparation, taking into account the exercise of due diligence, within the meaning of 18 U.S.C. § 3161(h)(7)(B)(iv).

Accordingly, THE COURT ORDERS THAT:

The period from April 14, 2015 through and including May 5, 2015 is excluded from the otherwise applicable Speedy Trial Act computation, pursuant to 18 U.S.C. § 3161(h)(7)(A) & (B)(iv).

IT IS SO ORDERED.

DATED: April 27, 2015.


WILLIAM H. ALSUP
United States District Judge